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DEC 12 2000

DEPARTMENT OF REAL ESTATE

By 

BEFORE THE DEPARTMENT OF REAL ESTATE

STATE OF CALIFORNIA

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TO: )  
HERBERT OMAR ROSALES ) NO. H-28909 LA  
aka Omar Rosales. )  
ORDER TO DESIST AND REFRAIN  
(B & P Code § 10086)

The Real Estate Commissioner of the State of California (hereinafter "Commissioner") has determined from the findings set forth below that you have violated Section 10130 of the Business and Professions Code (hereinafter "Code") by engaging in the business of a real estate broker within the State of California without a real estate broker license.

I

At no time herein mentioned, have you been licensed by the Department of Real Estate of the State of California (hereinafter "Department") as a real estate broker, nor are you a real estate salesperson employed by a real estate broker.

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II

During a period of time from November 10, 1998 through January 11, 1999, for or in expectation of compensation, you acted on behalf of a prospective buyer, Margarita Machado, making an offer on her behalf to purchase real property located at 524 Randolph Street, Pomona, California. During the same period and regarding the same property, you represented yourself as a licensed real estate salesperson to Jeff Upp, the listing broker for said property; to Charlene Sung, of Vera Escrow Company; and to M.J. King, the owner of the property.

III

During the period April 19, 1998 through May 30, 1998, for or in expectation of compensation, you received four personal checks from Calvin Toru Tanaka (hereinafter "Tanaka") totaling \$4,785.00. You represented to Tanaka that you were a licensed real estate salesperson and that Coldwell Banker was your employing broker. Tanaka asked you to assist him with locating and purchasing real property. Said checks represented money you requested from Tanaka as a deposit for the purchase of real property.

As a result of your dealings with Tanaka, which required a real estate license, a criminal complaint was filed against you on March 4, 1999. Said Complaint was filed against you in the Municipal Court of Alhambra Judicial District, County of Los Angeles, State of California, Case Number GA038797 and charged you with violating Business and Professions Code Section 10139 (willfully and unlawfully acting

1 as a real estate salesperson without being so licensed to do  
2 so) and violating Penal Code Section 487(a) (felony grand  
3 theft). You were convicted of the charge of grand theft and  
4 remain on probation for said conviction.

5 IV

6 Your acts as described in Paragraphs II and III,  
7 above, are acts requiring a real estate license under the  
8 provision of Code Section 10131(a).

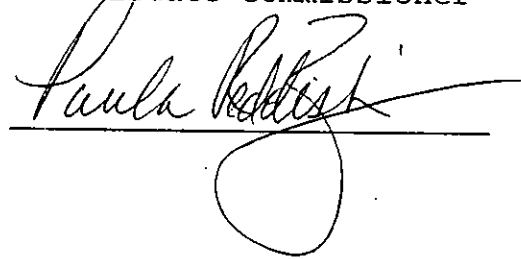
9 V

10 You violated Code Section 10130 by engaging in the  
11 activities described in Paragraphs II and III, above, without  
12 first obtaining a real estate license from the Department.

13 NOW, THEREFORE, YOU ARE ORDERED TO DESIST AND REFRAIN  
14 from performing any and all acts requiring a real estate  
15 license in the State of California, until you obtain the  
16 required license from the Department.

17 DATED: December 6, 2000.

18 PAULA REDDISH ZINNEMANN  
19 Real Estate Commissioner

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23 HERBERT OMAR ROSALES  
24 aka Omar Rosales  
25 2748 E. 8<sup>th</sup> Street, Apt. 55  
26 Los Angeles, CA 90023  
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